

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

COPY FILED
COMMON PLEAS COURT
HAMILTON COUNTY
CRIMINAL DIVISION

STATE OF OHIO

Case No. B-9502157

JUL 13 1995

Plaintiff

(J. Nurte)

JAMES CISELL
CLERK

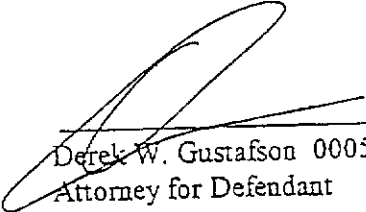
v.

MOTION TO SUPPRESS

DALLAS HAYES

Defendant

Now comes the defendant, by and through counsel, and moves to suppress any statements made by the defendant to law enforcement officials for the reasons set forth herein


Derek W. Gustafson 0005144
Attorney for Defendant
Suite 1100
30 E. Central Pkwy.
Cincinnati, Ohio 45202
(513) 241-7880

MEMORANDUM

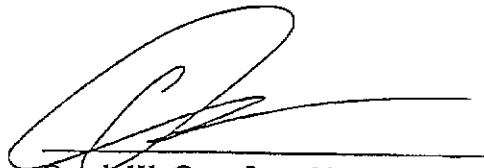
Defendant in this matter is an individual of extremely low intellect. Counsel believes that the defendant has made certain statements to police in response to questioning while in custody. Individuals must be apprised of their right to remain silent and their right to counsel before questioning and any statement made without a knowing, voluntary and intelligent waiver is inadmissible. Miranda v. Arizona, 384 U.S. 436 (1966). Counsel believes that the evidence in this matter will show that the defendant did not make a knowing and voluntary waiver of his right to remain silent and right to counsel

EXHIBIT

J

during questioning and as such that the statements taken by police are in violation of the defendant's right against self incrimination under the Fifth Amendment to the United States Constitution.

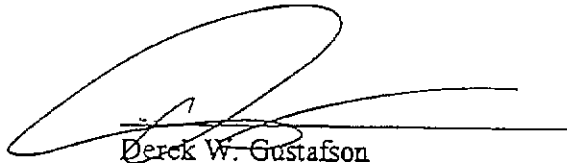
Wherefore, defendant requests that any and all statements made by the defendant in response to questioning while in custody be suppressed.



Derek W. Gustafson 0005144
Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the Hamilton County Prosecutor's Office by hand delivery same day as filed with the Court.



Derek W. Gustafson